

SUMMARY OF PARTICIPANT FEEDBACK

SECTION 316(B) PUBLIC MEETING - JUNE 29, 1998

ADVERSE ENVIRONMENTAL IMPACTS RESULTING FROM COOLING WATER INTAKE STRUCTURES

Discussion Topic I - Designing an Approach

- ▶ Some believed that any taking of fish or aquatic organisms constituted an adverse environmental impact that needed to be minimized through application of “best technology.” Others defined adversity based on impacts to a population and/or community. This philosophy implies that some degree of taking of fish is acceptable and does not constitute an adverse environmental impact.
- ▶ Some used these same philosophies in defining adverse environmental impacts to justify the need or trigger the need for a full-blown (tier 3-type) analysis of impacts.
- ▶ Some stated that the draft framework focused on biological assessments and does not emphasize role of technology assessments (or the role of technologies to minimize impacts).
- ▶ Some raised the issue of cost reasonableness. They questioned the appropriate amount of money to spend to avoid mortality.
- ▶ Some stated that the statute does not require a cost test. In addition, EPA appears to be equating the concept of “minimizing” adverse environmental impacts with the concept of some wholly disproportionate cost test.
- ▶ Others commented that it was difficult and controversial to assess the health of water bodies and to determine appropriate reference conditions.
- ▶ A number of participants noted their support of EPA viewing the site-specificity of issues.
- ▶ Some believed that EPA needed to include a broader scale of parameters to be evaluated in Tiers 1 and 2.
- ▶ Some believed that tiering criteria are not needed and that minimization could be accomplished through application of a specific technology.
- ▶ Comments were made that facilities’ intake structures should be re-evaluated when “conditions” change.
- ▶ Others mentioned that facilities should be able to use existing data resources.

- ▶ It was recommended that guidance be provided on the process of evaluating impact from cooling water intake structures.
- ▶ Some raised the issue of whether it was practicable or possible to evaluate “cumulative impacts.”
- ▶ Some raised issues regarding burden of proof on adverse environmental impacts.

Discussion Topic II - Environmental Criteria, Defining & Assessing Adverse Environmental Impact

- ▶ Some stated proposed framework allows for degradation of populations on healthy water bodies.
- ▶ Some stated that identifying impacts associated with a single facility gets harder to distinguish as the water body gets larger.
- ▶ Some stated that there would be issues associated with defining reference conditions especially on large estuarine systems.
- ▶ Some stated that compensatory mechanisms of biological populations should be addressed. Others stated that compensation may not occur everywhere and that there are many commercial fisheries that are currently failing.
- ▶ Some stated that population level impacts should be evaluated, while other stated that impacts should be evaluated at the level of the organism.

Discussion Topic III - Plant Characteristics

- ▶ Some pointed out additional factors, e.g., operational parameters.
- ▶ As in earlier discussions, a need for a holistic approach was stressed. They stated that this was important because of the close relationship between technology and biology which is also reflected in the Section 316(b) language.
- ▶ Some encouraged flexibility in the choice of BTA.
- ▶ Some encouraged EPA to consider the effectiveness of technologies (survival rate).